

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

In re:

BUNCH, THOMAS M.

Debtor(s)

§  
§  
§  
§  
§

Case No. 10-11064 CLB

**TRUSTEE'S FINAL REPORT (TFR)**

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under chapter 13 of the United States Bankruptcy Code was filed on 03/21/2010 . The case was converted to one under Chapter 7 on 06/23/2011 . The undersigned trustee was appointed on 06/24/2011 .

2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.

3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized gross receipts of \$ 13,552.28

Funds were disbursed in the following amounts:

Payments made under an interim disbursement	0.00
Administrative expenses	17.02
Bank service fees	0.00
Other payments to creditors	0.00
Non-estate funds paid to 3 <sup>rd</sup> Parties	0.00
Exemptions paid to the debtor	0.00
Other payments to the debtor	0.00

Leaving a balance on hand of<sup>1</sup> \$ 13,535.26

The remaining funds are available for distribution.

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<sup>1</sup> The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. §326(a) on account of the disbursement of the additional interest.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 01/06/2012 and the deadline for filing governmental claims was 09/17/2010 . All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$ 2,105.23 . To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$ 0.00 as interim compensation and now requests a sum of \$ 2,105.23 , for a total compensation of \$ 2,105.23 <sup>2</sup>. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$ 0.00 , and now requests reimbursement for expenses of \$ 3.60 , for total expenses of \$ 3.60 <sup>2</sup>.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 01/08/2013 By: /s/MORRIS L. HORWITZ  
Trustee

**STATEMENT:** This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

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<sup>2</sup> If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D).

**FORM 1**  
**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT**  
**ASSET CASES**

Page: 1  
Exhibit A

Case No: 10-11064 CLB Judge: CARL L. BUCKL, U.S.B.J.  
Case Name: BUNCH, THOMAS M.  
For Period Ending: 01/08/13

Trustee Name: MORRIS L. HORWITZ  
Date Filed (f) or Converted (c): 06/23/11 (c)  
341(a) Meeting Date: 07/26/11  
Claims Bar Date: 01/06/12

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. Location: 3303 Zoeller Road, Alden NY Orig. Asset Memo: Orig. Description: Location: 3303 Zoeller Road, Alden NY; Imported from original petition Doc# 1	169,000.00	0.00		0.00	FA
2. Checking, savings or other financial accounts, c Orig. Asset Memo: Orig. Description: Alden State Bank - Checking Account; Imported from original petition Doc# 1	150.00	0.00		0.00	FA
3. Checking, savings or other financial accounts, c Orig. Asset Memo: Orig. Description: Alden State Bank - Savings Account; Imported from original petition Doc# 1	0.00	0.00		0.00	FA
4. Checking, savings or other financial accounts, c Orig. Asset Memo: Orig. Description: Bank of America - Checking Account; Imported from original petition Doc# 1	0.00	0.00		0.00	FA
5. Checking, savings or other financial accounts, c Orig. Asset Memo: Orig. Description: Bank of America - Savings Account; Imported from original petition Doc# 1	0.00	0.00		0.00	FA
6. Household goods and furnishings, including audio Orig. Asset Memo: Orig. Description: Household Furniture Location: 3303 Zoeller Road, Alden NY; Imported from original petition Doc# 1	1,500.00	0.00		0.00	FA
7. Wearing apparel. Orig. Asset Memo: Orig. Description: Clothing; Imported from original petition Doc# 1	100.00	0.00		0.00	FA
8. Firearms and sports, photographic and other hobb Orig. Asset Memo: Orig. Description: Monderg 500 12 Ga Pump Action Shotgun; Imported from original petition Doc# 1	140.00	140.00		0.00	200.00
9. Firearms and sports, photographic and other hobb Orig. Asset Memo: Orig. Description: Noringo Mak 90 Sporter Rifle 7.62 x 39; Imported from original petition Doc# 1	125.00	125.00		0.00	FA

**FORM 1**  
**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT**  
**ASSET CASES**

Page: 2  
Exhibit A

Case No: 10-11064 CLB Judge: CARL L. BUCKL, U.S.B.J.  
Case Name: BUNCH, THOMAS M.

Trustee Name: MORRIS L. HORWITZ  
Date Filed (f) or Converted (c): 06/23/11 (c)  
341(a) Meeting Date: 07/26/11  
Claims Bar Date: 01/06/12

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
10. Firearms and sports, photographic and other hobb Orig. Asset Memo: Orig. Description: Smith & Wesson Model 3000 Shotgun; Imported from original petition Doc# 1	100.00	100.00		0.00	FA
11. Firearms and sports, photographic and other hobb Orig. Asset Memo: Orig. Description: Norino 5K5 Rifle 7.62 X 29; Imported from original petition Doc# 1	75.00	75.00		0.00	FA
12. Firearms and sports, photographic and other hobb Orig. Asset Memo: Orig. Description: Remington 870 Express 12 Ga Shotgun; Imported from original petition Doc# 1	85.00	85.00		0.00	FA
13. Interests in insurance policies. Name insurance Orig. Asset Memo: Orig. Description: Prudential Life Insurance; Imported from original petition Doc# 1	6,900.00	6,900.00		0.00	FA
14. Interests in IRA, ERISA, Keogh, or other pension Orig. Asset Memo: Orig. Description: Majestic Pools 401(k); Imported from original petition Doc# 1	8,755.28	0.00		0.00	FA
15. Ford F350 Orig. Asset Memo: Orig. Description: 2007 Ford F-350; Imported from original petition Doc# 1	35,450.00	19,550.00		12,446.13	FA
16. 2005 Anderson Dump trailer Orig. Asset Memo: Orig. Description: 2005 Anderson Dump Trailer Fair Condition Tires - Poor Condition Location: 3303 Zoeller Road, Alden NY; Imported from original petition Doc# 1	2,500.00	0.00		0.00	1,500.00
17. Machinery, fixtures, equipment and supplies used Orig. Asset Memo: Orig. Description: 2005 Challenger Tractor Model T265; Imported from original petition Doc# 1	6,000.00	6,000.00		0.00	FA
18. 2001 Equipment trailer Orig. Asset Memo: Orig. Description: 2001 Anderson Equipment	1,500.00	1,500.00		1,100.00	700.00

**FORM 1**  
**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT**  
**ASSET CASES**

Page: 3  
Exhibit A

Case No: 10-11064 CLB Judge: CARL L. BUCKL, U.S.B.J.  
Case Name: BUNCH, THOMAS M.

Trustee Name: MORRIS L. HORWITZ  
Date Filed (f) or Converted (c): 06/23/11 (c)  
341(a) Meeting Date: 07/26/11  
Claims Bar Date: 01/06/12

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Trailer Needs Brakes; Imported from original petition Doc# 1					
19. Machinery, fixtures, equipment and supplies used Orig. Asset Memo: Orig. Description: 2006 Brown Edger Model F-781H; Imported from original petition Doc# 1	1,150.00	1,150.00		0.00	FA
20. Machinery, fixtures, equipment and supplies used Orig. Asset Memo: Orig. Description: 2007 Sidewinder Power Rake Model 1305; Imported from original petition Doc# 1	1,800.00	1,800.00		0.00	FA
21. Machinery, fixtures, equipment and supplies used Orig. Asset Memo: Orig. Description: 2007 Turfeo Sod Cutter; Imported from original petition Doc# 1	550.00	550.00		0.00	FA
22. Cash from 13	5.00	5.00		5.00	FA
INT. Post-Petition Interest Deposits (u)	Unknown	N/A		1.15	Unknown

TOTALS (Excluding Unknown Values)	\$235,885.28	\$37,980.00	\$13,552.28	Gross Value of Remaining Assets
				\$2,400.00
				(Total Dollar Amount in Column 6)

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

10/18/11 fax Cash, ltr dbtr, atty; January 23, 2012, intent to sell; June 27, 2012 (MLH) bill of sale

Initial Projected Date of Final Report (TFR): 06/30/13 Current Projected Date of Final Report (TFR): 06/30/13

/s/ MORRIS L. HORWITZ

Date: \_\_\_\_\_

MORRIS L. HORWITZ

FORM 1  
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT  
ASSET CASES

Trustee Name: MORRIS L. HORWITZ  
Date Filed (f) or Converted (c): 06/23/11 (c)  
341(a) Meeting Date: 07/26/11  
Claims Bar Date: 01/06/12

Case No: 10-11064  
Case Name: CLB Judge: CARL L. BUCKL, U.S.B.J.  
BUNCH, THOMAS M.

Case No:  
Case Name:

**FORM 2**

**ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 10-11064 -CLB

Case Name: BUNCH, THOMAS M.

Trustee Name:

Bank Name:

Account Number / CD #:

MORRIS L. HORWITZ

The Bank of New York Mellon

\*\*\*\*\*2065 Money Market Account

Taxpayer ID No: \*\*\*\*\*3989

4- or Period Ending: 01/08/13

Blanket Bond (per case limit): \$ 21,431,000.00

Separate Bond (if applicable):

1 Transaction Date	2 Check or Reference	3 Paid To / Received From	4 Description Of Transaction	Uniform Tran. Code	5 Deposits (\$)	6 Disbursements (\$)	7 Account / CD Balance (\$)
10/04/11	22	Albert J. Mogavero Chapter 13 Trustee 110 Pearl Street, 6th Floor Buffalo, NY 14202	BALANCE FORWARD Refund from Chapter 13 DEPOSIT CHECK #193443	1129-000	5.00		0.00 5.00
12/19/11		Trsf To Capital One	FINAL TRANSFER	9999-000		5.00	0.00

**COLUMN TOTALS**

Less: Bank Transfers/CD's

Subtotal

Less: Payments to Debtors

Net

5.00 5.00 0.00 5.00 5.00 0.00 0.00

Page Subtotals

5.00

**FORM 2**

**ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Page: 2

**Exhibit B**

Case No: 10-11064 -CLB

Case Name: BUNCH, THOMAS M.

Trustee Name:

MORRIS L. HORWITZ

Bank Name:

Capital One

Account Number / CD #: \*\*\*\*\*8652 Money Market Account

Taxpayer ID No: \*\*\*\*\*3989

4- or Period Ending: 01/08/13

Blanket Bond (per case limit): \$ 21,431,000.00

Separate Bond (if applicable):

1	2	3	4	5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Disbursements (\$)	Account / CD Balance (\$)
12/19/11		Trsf In From The Bank of New York M	BALANCE FORWARD	9999-000		0.00
01/09/12	15	Ford Motor Credit Company PO Box 689007 Franklin, TN 37068-9007	INITIAL WIRE TRANSFER IN Refund of overpayment on Ford F350	1129-000	5.00 12,446.13	5.00 12,451.13
01/31/12	INT	Capital One	INTEREST REC'D FROM BANK January interest	1270-000	0.92	12,452.05
02/06/12	INT	Capital One	INTEREST REC'D FROM BANK February interest	1270-000	0.23	12,452.28
04/02/12	18	TB Landscaping & Construction LLC 3303 Zoeller Road Alden, NY 14004	Payment on 2001 Equipment trailer	1129-000	275.00	12,727.28
05/14/12	18	TB Landscaping & Construction LLC 3303 Zoeller Road Alden, NY 14004	Payment on Equipment	1129-000	275.00	13,002.28
07/16/12	18	TB Landscaping & Construction LLC 3303 Zoeller Road Alden, NY 14004-9691	Equipment Trailer	1129-000	275.00	13,277.28
09/25/12	000101	International Sureties, Ltd. Suite 420 701 Poydras Street New Orleans, LA 70139	Bond # 016029057 9/1/12-9/1/13 Bond # 016029057 9/1/12-9/1/13	2300-000	17.02	13,260.26
10/09/12	18	TB Landscaping & Construction LLC 3303 Zoeller Road Alden, NY 14004-9691	2001 Equipment Trailer	1129-000	275.00	13,535.26

Page Subtotals

13,552.28

17.02



**FORM 2**

**ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 10-11064 -CLB  
Case Name: BUNCH, THOMAS M.

Trustee Name: MORRIS L. HORWITZ  
Bank Name: Capital One  
Account Number / CD #: \*\*\*\*\*8652 Money Market Account

Taxpayer ID No: \*\*\*\*\*3989  
Tax Period Ending: 01/08/13

Blanket Bond (per case limit): \$ 21,431,000.00  
Separate Bond (if applicable):

1 Transaction Date	2 Check or Reference	3 Paid To / Received From	4 Description Of Transaction	Uniform Tran. Code	5 Deposits (\$)	6 Disbursements (\$)	7 Account / CD Balance (\$)
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COLUMN TOTALS					13,552.28	17.02	13,535.26
Less: Bank Transfers/CD's					5.00	0.00	
Subtotal					13,547.28	17.02	
Less: Payments to Debtors					0.00	0.00	
Net					13,547.28	17.02	

TOTAL - ALL ACCOUNTS					NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
Money Market Account - *****2065					5.00	0.00	0.00
Money Market Account - *****8652					13,547.28	17.02	13,535.26
					13,552.28	17.02	13,535.26
					(Excludes Account Transfers)	(Excludes Payments To Debtors)	Total Funds
							On Hand

EXHIBIT C  
ANALYSIS OF CLAIMS REGISTER

Date: January 08, 2013

Case Number: 10-11064 Claim Class Sequence  
Debtor Name: BUNCH, THOMAS M.

Code #	Creditor Name & Address	Claim Class	Notes	Amount Allowed	Paid to Date	Claim Balance
A 001 3110-00	MORRIS L. HORWITZ, Attorney 14 Lafayette Square Suite 1440 Buffalo, NY 14203	Administrative		\$357.50	\$0.00	\$357.50
1 610 7100-00	Discover Bank Dfs Services LLC PO Box 3025 New Albany, OH 43054-3025	Unsecured		\$14,157.02	\$0.00	\$14,157.02
4 610 7100-00	Portfolio Recovery Associates, LLC. P.O. Box 12914 Norfolk, VA 23541	Unsecured		\$23,861.25	\$0.00	\$23,861.25
5 610 7100-00	Portfolio Recovery Associates, LLC P.O. Box 12914 Norfolk, VA 23541	Unsecured		\$16,043.79	\$0.00	\$16,043.79
6 610 7100-00	PRA Receivables Management, LLC As Agent Of Portfolio Recovery Assocs. POB 12914 Norfolk, VA 23541	Unsecured		\$1,371.07	\$0.00	\$1,371.07
7 610 7100-00	PRA Receivables Management, LLC As Agent Of Portfolio Recovery Assocs. POB 12914 Norfolk, VA 23541	Unsecured		\$14,175.12	\$0.00	\$14,175.12
8 610 7100-00	PRA Receivables Management, LLC As Agent Of Portfolio Recovery Assocs. POB 12914 Norfolk, VA 23541	Unsecured		\$12,292.20	\$0.00	\$12,292.20
9 610 7100-00	LVNV Funding LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587	Unsecured		\$84.72	\$0.00	\$84.72
10 610 7100-00	HSBC Bank Nevada, N.A. Bass & Associates, P.C. 3936 E. Ft. Lowell Rd, Suite 200 Tucson, AZ 85712	Unsecured		\$1,448.55	\$0.00	\$1,448.55
2 100 4110-00	AGCO Finance LLC PO Box 2000 Johnston, IA 50131-0020	Secured		\$0.00	\$0.00	\$0.00
3 100 4110-00	Ford Motor Credit Company LLC P O Box 6275 Dearborn, MI 48121	Secured		\$0.00	\$0.00	\$0.00

EXHIBIT C  
ANALYSIS OF CLAIMS REGISTER

Date: January 08, 2013

Case Number: 10-11064 Claim Class Sequence  
Debtor Name: BUNCH, THOMAS M.

Code #	Creditor Name & Address	Claim Class	Notes	Amount Allowed	Paid to Date	Claim Balance
Case Totals:				\$83,791.22	\$0.00	\$83,791.22

Code #: Trustee's Claim Number, Priority Code, Claim Type

## TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 10-11064 CLB

Case Name: BUNCH, THOMAS M.

Trustee Name: MORRIS L. HORWITZ

Balance on hand \$ 13,535.26

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payment to Date	Proposed Payment
2	AGCO Finance LLC	\$ 402.62	\$ 0.00	\$ 0.00	\$ 0.00
3	Ford Motor Credit Company LLC	\$ 13,316.76	\$ 0.00	\$ 0.00	\$ 0.00

Total to be paid to secured creditors \$ 0.00

Remaining Balance \$ 13,535.26

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee Fees: MORRIS L. HORWITZ	\$ 2,105.23	\$ 0.00	\$ 2,105.23
Trustee Expenses: MORRIS L. HORWITZ	\$ 3.60	\$ 0.00	\$ 3.60
Attorney for Trustee Fees: MORRIS L. HORWITZ, Attorney	\$ 357.50	\$ 0.00	\$ 357.50

Total to be paid for chapter 7 administrative expenses \$ 2,466.33

Remaining Balance \$ 11,068.93

Applications for prior chapter fees and administrative expenses have been filed as follows:

NONE

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$ 0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

NONE

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 83,433.72 have been allowed and will be paid pro rata only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 13.3 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	Discover Bank	\$ 14,157.02	\$ 0.00	\$ 1,878.17
4	Portfolio Recovery Associates, LLC.	\$ 23,861.25	\$ 0.00	\$ 3,165.61
5	Portfolio Recovery Associates, LLC	\$ 16,043.79	\$ 0.00	\$ 2,128.49
6	PRA Receivables Management, LLC	\$ 1,371.07	\$ 0.00	\$ 181.90
7	PRA Receivables Management, LLC	\$ 14,175.12	\$ 0.00	\$ 1,880.58
8	PRA Receivables Management, LLC	\$ 12,292.20	\$ 0.00	\$ 1,630.77
9	LVNV Funding LLC	\$ 84.72	\$ 0.00	\$ 11.24
10	HSBC Bank Nevada, N.A.	\$ 1,448.55	\$ 0.00	\$ 192.17

Total to be paid to timely general unsecured creditors	\$ <u>11,068.93</u>
Remaining Balance	\$ <u>0.00</u>

Tardily filed claims of general (unsecured) creditors totaling \$ 0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent.

Tardily filed general (unsecured) claims are as follows:

NONE

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ 0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent.

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

NONE